MONTANA LEGISLATIVE HISTORY

Chapter 38 1985

Bill H 13 S _____ Original bill & history ✓ C

H. Committee on Stte Admin

Hearing Date(s) 1/10 ___C

1/16 ___C

_____ ___C

_____ ___C

Date Out _____ ___C

S. Committee on Judiciary

Hearing Date(s) 2/13 ___C

2/13 ___C

_____ ___C

_____ ___C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

HB 11 INTRODUCED BY HANNAH
ALLOW REASSIGNMENT OF TENURED SCHOOL ADMINISTRATOR WITH REDUCTION IN SALARY
BY REQUEST OF INTERIM SUBCOMMITTEE NO. 4

1/07	INTRODUCED		
1/07	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/09	HEARING		
1/12	COMMITTEE REPORT-BILL DO PASS		
1/14	2ND READING PASS	90	7
1/16	3RD READING PASS	95	3
	TRANSMITTED TO SENATE		
1/18	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/25	HEARING		
2/08	COMM REPORT-BILL CONCURRED AS AMENDED		
2/13	REREFERRED TO EDUCATION & CULTURAL RESOURCES		
3/25	TABLED IN COMMITTEE		

HB 12 INTRODUCED BY BARDANOUVE
STATUTORY APPROPRIATIONS - DEFINING AND ESTABLISHING
BY REQUEST OF LEGISLATIVE FINANCE COMMITTEE

1/07	INTRODUCED		
1/07	REFERRED TO APPROPRIATIONS		
3/25	HEARING		
4/01	COMMITTEE REPORT-BILL PASS AS AMENDED		
4/04	2ND READING PASS AS AMENDED	93	3
4/08	3RD READING PASS	92	3
	TRANSMITTED TO SENATE		
4/13	ON MOTION RULES SUSPENDED TO ACCEPT FOR CONSIDERATION		
4/15	REFERRED TO FINANCE & CLAIMS		
4/18	HEARING		
4/19	COMM REPORT-BILL CONCURRED AS AMENDED		
4/22	2ND READING CONCURRED	27	8
4/23	3RD READING CONCURRED	43	6
	RETURNED TO HOUSE WITH AMENDMENTS		
4/24	2ND READING AMENDMENTS CONCURRED	99	0
4/24	3RD READING AMENDMENTS CONCURRED	89	4
5/01	SIGNED BY SPEAKER		
5/01	SIGNED BY PRESIDENT		
5/02	TRANSMITTED TO GOVERNOR		
5/10	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 703 EFFECTIVE DATE: 5/10/85		

HB 13 INTRODUCED BY KENNERLY
REVISING FILING REQUIREMENTS FOR STATE/TRIBAL COOPERATIVE AGREEMENTS
BY REQUEST OF INDIAN AFFAIRS COMMITTEE

1/07	INTRODUCED		
1/07	REFERRED TO STATE ADMINISTRATION		
1/10	HEARING		
1/10	COMMITTEE REPORT-BILL DO PASS		
1/11	2ND READING PASS	93	3

1/12	3RD READING PASS	93	0
	TRANSMITTED TO SENATE		
1/14	REFERRED TO JUDICIARY		
2/13	HEARING		
2/13	COMMITTEE REPORT-BILL CONCURRED		
2/15	2ND READING CONCURRED	50	0
2/18	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
2/21	SIGNED BY SPEAKER		
2/22	SIGNED BY PRESIDENT		
2/22	TRANSMITTED TO GOVERNOR		
2/27	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 38 EFFECTIVE DATE: 10/01/85		

HB 14 INTRODUCED BY ASAY
CREATING INDIAN AFFAIRS COMMITTEE UNTIL 1991
BY REQUEST OF INDIAN AFFAIRS COMMITTEE

1/07	INTRODUCED		
1/07	REFERRED TO STATE ADMINISTRATION		
1/10	HEARING		
1/10	COMMITTEE REPORT-BILL DO PASS		
1/11	REREFERRED TO APPROPRIATIONS		
3/25	HEARING		
3/28	COMMITTEE REPORT-BILL PASS AS AMENDED		
3/30	2ND READING PASS	96	2
4/01	3RD READING PASS	96	3
	TRANSMITTED TO SENATE		
4/03	REFERRED TO FINANCE & CLAIMS		
4/10	HEARING		
4/12	COMM REPORT-BILL CONCURRED AS AMENDED		
4/15	2ND READING CONCURRED	49	0
4/17	3RD READING CONCURRED	48	1
	RETURNED TO HOUSE WITH AMENDMENTS		
4/19	2ND READING AMENDMENTS CONCURRED	94	2
4/20	3RD READING AMENDMENTS CONCURRED	95	2
4/24	SIGNED BY SPEAKER		
4/24	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		
5/06	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 675 EFFECTIVE DATE: 5/06/85		

HB 15 INTRODUCED BY M. WILLIAMS
DENYING CERTAIN UNEMPLOYMENT BENEFITS TO SCHOOL EMPLOYEES
BY REQUEST OF DEPARTMENT OF LABOR & INDUSTRY

1/07	INTRODUCED		
1/07	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/09	HEARING		
1/10	COMMITTEE REPORT-BILL DO PASS		
1/10	FISCAL NOTE REQUESTED		
1/11	2ND READING PASS	76	24
1/11	ON MOTION RULES SUSPENDED		

HOUSE BILL NO. 13

INTRODUCED BY KENNERLY

BY REQUEST OF THE SELECT COMMITTEE ON INDIAN AFFAIRS

IN THE HOUSE

January 7, 1985	Introduced and referred to Committee on State Administration.
January 10, 1985	Committee recommend bill do pass. Report adopted.
	Bill printed and placed on members' desks.
January 11, 1985	Second reading, do pass.
	Considered correctly engrossed.
January 12, 1985	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

January 14, 1985	Introduced and referred to Committee on Judiciary.
February 13, 1985	Committee recommend bill be concurred in. Report adopted.
February 15, 1985	Second reading, concurred in.
February 18, 1985	Third reading, concurred in. Ayes, 49; Noes, 0.
	Returned to House.

IN THE HOUSE

February 19, 1985 Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

4

HOUSE BILL NO. 13

INTRODUCED BY KENNERLY

BY REQUEST OF THE SELECT COMMITTEE ON INDIAN AFFAIRS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE REQUIREMENTS CONCERNING FILING OF A STATE-TRIBAL COOPERATIVE AGREEMENT; REMOVING THE REQUIREMENT FOR GUBERNATORIAL APPROVAL OF AN AGREEMENT INVOLVING A STATE AGENCY; AMENDING SECTION 18-11-107, MCA; AND REPEALING SECTION 18-11-106, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 18-11-107, MCA, is amended to read:

"18-11-107. Filing of agreement. (1) Within 10 days after approval by the attorney general and ~~prior--to commencement-of-its-performance~~ signature of the parties, an agreement made pursuant to this chapter must be filed with:

~~(1)~~(a) the ~~secretary~~ area office of the bureau of Indian affairs of the United States department of the interior having trust responsibility for the tribe that is party to the agreement or its successor agency;

~~(2)~~(b) each county clerk and recorder of each county where the principal office of one of the parties to the agreement is located, except as provided in (2) of this section;

~~(3)~~(c) the secretary of state; and

~~(4)~~(d) the affected tribal government.

(2) If a party to the agreement is a state agency, the agreement need not be filed with the county clerk and recorder for Lewis and Clark County."

NEW SECTION. Section 2. Repealer. Section 18-11-106, MCA, is repealed.

-End-

INTRODUCED BILL
HB 13

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 10, 1985

The meeting of the State Administration Committee was called to order by Chairman Walter Sales, January 10, 1985 at 8:00 a.m. in Room 317 of the State Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL NO. 70: Rep. Bill Hand, District #73, sponsor of the bill, explained the purpose of the legislation to the Committee. Each area has its own cost problems and the leases have different requirements for different areas. The current law states that the State shall receive not less than 1/4 crop share. This bill would provide that the State would receive, for high production cost methods, 1/10 crop share.

PROPONENTS: Gregg Hilton, Dillon area rancher, stated that he had State land under cultivation and had installed an irrigation system on those State lands. He read his prepared testimony which is attached as Exhibit #1.

Earl Love, Dillon, has worked with the Soil Conservation Service for approximately 30 years, 25 of which were primarily in the field of irrigation in the Beaverhead area. He has been involved in the design and installation of over 200 sprinkler systems. Under today's economy, to develop land under sprinkler irrigation, it is not feasible to pay 1/4 of the crop to the State. Mr. Love passed out some costs and rates of typical sprinkler irrigation systems under today's economy, Exhibit #2 attached. He felt that Exhibit #2 was a typical situation and shows that the lessee cannot afford to pay 1/4 of the crop.

OPPONENTS: Dave Hartman, Executive Director of the Montana Education Association, appeared as an opponent to the bill. He said that private lease rates are $8-12 per animal unit month whereas the State rates were at $2.97 per animal unit month. These public lands are held in trust for the welfare of the people of the State of Montana and said that the school fund would suffer as a result of this legislation.

Dennis Hemmer, Department of State Lands, felt the across the board rate is too low. He suggested some amendments could be made after talking to several people and realized that there must be some flexibility in negotiating leases of State lands. In the case of a cash lease there should be a written record in the files showing why it was negotiated in such a way.

DISCUSSION OF HOUSE BILL NO. 70: Rep. Pistoria asked if the average loss per year had been determined but Mr. Hemmer said that this had not been done as they would have to go through each individual lease and they review approximately 900 per year. Mr. Hemmer agreed that

they should have more flexibility in the type of lease they could negotiate.

Rep. Jenkins asked Mr. Hilton if he owned the sprinkler irrigation system which he installed in 1979. Mr. Hilton said that he owned the system and the water and had negotiated for a cash lease with the Department but during the lease period, which is normally for 10 years, the administration changed and they came up with a 1/4 crop share. It had started out at $1 per acre. This lease was increased to $8.40 per acre by putting the system in. There is no dryland farming on the west side of the valley where Mr. Hilton farms.

Rep. Holliday asked if the lessees apply to the Department to put in an irrigation system. Mr. Hemmer said that they have to have authorization from the Department to install a system. They are usually approved but are sometimes denied if the Department feels that the lessee is trying to price it out of competitive bidding.

Chairman Sales said that he had discussed this bill with Mr. Hemmer and it was felt that there should be some changes, however, Mr. Hemmer did have reservations with the 1/10 across the board. The leases that are agreed upon must be in compliance with the law.

Rep. Jenkins asked why the Department didn't go along with the lease that had been made previously with Mr. Hilton and Mr. Hemmer said that it was the interpretation of the attorney that the lease was illegal. Mr. Hemmer agreed that the State would receive a greater return if the land is under production. Each lease should be looked at individually and flexibility is needed to deal with each one. If there are no competitive bids they must remain with the old lessee.

Mr. Hilton said he had no problem if the Department is directed to give consideration to individual leases but that any arrangements that are made have to work for the benefit of both parties and that is not the case with his present lease.

The hearing on HB 70 was closed.

CONSIDERATION OF HOUSE BILL NO. 37: Rep. Dan Harrington had requested the Chairman to ask the Committee to table this bill, therefore, no hearing was held on HB 37.

CONSIDERATION OF HOUSE BILL NO. 13: Rep. Kennerly, District #9, sponsored this legislation at the request of the Select Committee on Indian Affairs. He said that this is mainly a housekeeping bill. He explained the changes in the bill which would speed up the process and cut through the red tape that is now required. Approval by the governor would be deleted as would the requirement that the agreement must be filed with the clerk and recorder of Lewis and Clark County. This is taken care of in the new Section 2 repealing Section 18-11-106.

PROPONENTS: Louie Clayborn, Coordinator of Indian Affairs, spoke as a proponent to the bill and read his testimony which is attached as Exhibit #4.

There being no further proponents and no opponents present, Rep. Kennerly closed his presentation.

DISCUSSION OF HOUSE BILL NO. 13: Rep. Phillips asked what was being repealed by Section 2. Rep. Kennerly told the Committee that all agreements go to the attorney general for review, the agreements are then submitted to the governor for his approval. They felt that if the attorney general had reviewed the agreement and had given approval then they should be able to go ahead with it without the approval of the governor.

Lois Menzies, Staff Researcher, said that all agreements have to go through two review processes which is the attorney general and the governor. The feeling was that this is repetitive and the governor has agreed to the repealing of this approval to speed up the process.

There being no further discussion by the Committee, the hearing was closed on HB 13 and a short recess was taken.

Rep. Harbin was excused to attend another hearing.

Hearing resumed at 9:00 a.m.

CONSIDERATION OF HOUSE BILL NO. 14: Rep. Tom Asay, sponsor of the bill, introduced this legislation at the request of the Select Committee on Indian Affairs. This Committee has operated for the past three interims and this bill would make it a standing interim committee until 1991. The purpose has been to serve as a liaison for the Indian people of the state so they could feel they were really participating. It has been difficult to establish any degree of confidence among the Indians that we wanted their participation. Rep. Asay believed this has been accomplished since the Committee was created. There is an appropriation in the bill for the biennium ending June 30, 1987 in the amount of $12,000 which is an increase from the present $7,000.

PROPONENTS: Louie Clayborn, Coordinator of Indian Affairs, spoke in support of the bill and submitted written testimony to the Committee which is attached as Exhibit #5.

Daniel Decker of the Confederated Salish and Kootenai Tribes also spoke in support of HB 14. He felt the Committee proved to be a very effective communication between the State agencies and the tribes. He also said that with seven reservations in Montana much of the land base in Montana is affected by the Indian population and this should suffice for the support of HB 14.

Edward Azure of Ft. Belknap, representing the Ft. Belknap tribes, was present in support of the bill also. He said that they had

committed themselves to attending these meetings for the last 2 to 3 years and felt it is a viable tool for the State and the tribes to get together and resolve some of the problems that are present.

Rep. Kennerly, a member of this Committee, wanted it shown on the record that he is in support of this legislation.

There being no further proponents and no opponents present, the Chairman asked for questions from the Committee.

DISCUSSION OF HOUSE BILL NO. 14: Rep. Holliday asked the witnesses if the tribes have a like committee or do they have representation on this particular committee. Mr. Decker said that each tribe has their own representative but the Intertribal Policy Board which is located in Billings also speaks at times for the tribes.

There being no further questions by the Committee, Rep. Asay, in closing, thanked the people for appearing in support of this bill and asked that they be allowed to continue along the same lines with the extension of this interim committee.

Chairman Sales told Rep. Asay that this bill will probably be assigned to the Appropriations Committee if it leaves this Committee with a Do Pass as there is an appropriation in the bill.

The hearing was closed on HB 14.

DISPOSITION OF HOUSE BILL NO. 37: Rep. O'Connell moved that HB 37 BE TABLED, seconded by Rep. Smith. Motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 14: Rep. Smith moved that HB 14 DO PASS, seconded by Rep. Cody. Motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 13: Rep. O'Connell moved that HB 13 DO PASS, second received from Rep. Peterson. Motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 70: Discussion was held relative to whether or not this bill could be amended without altering the intent of the bill or if it had to have a Do Not Pass and a Committee bill introduced. Lois said that the Committee could work on the introduced bill without changing the intent. Chairman Sales suggested that this bill be sent to a subcommittee to work out some amendments in cooperation with the Department of State Lands, Rep. Hand's people and Lois Menzies. Rep. O'Connell moved that HB 70 BE PLACED IN SUBCOMMITTEE, seconded by Rep. Moore. Motion CARRIED UNANIMOUSLY. Chairman Sales appointed a subcommittee of Reps. Holliday, Chairman; Jenkins and Peterson.

Chairman Sales told the Committee that although several of the members will be gone for the hearing on HJR 2 and HB 51 on Friday because of another hearing, the Committee will proceed with the hearing.

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

State Administration COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 1/10/85

NAME	PRESENT	ABSENT	EXCUSED
Chairman Walter Sales	✓		
V-Chairman Helen O'Connell	✓		
Campbell, Bud	✓		
Compton, Duane	✓		
Cody, Dorothy	✓		
Fritz, Harry	✓		
Garcia, Rodney	✓		
Hayne, Harriet	✓		
Harbin, Raymond	✓		
Holliday, Gay	✓		
Jenkins, Loren	✓		
Kennerly, Roland	✓		
Moore, Janet	✓		
Nelson, Richard	✓		
Peterson, Mary Lou	✓		
Phillips, John	✓		
Pistoria, Paul	✓		
Smith, Clyde	✓		

Please attach to minutes.

STANDING COMMITTEE REPORT

January 10, 19 85

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 13

First reading copy (White color)

REVISING FILING REQUIREMENTS FOR STATE AND TRIBAL COOPERATIVE AGREEMENTS

Respectfully report as follows: That HOUSE Bill No. 13

DO PASS

JR 1/10/85

STATE PUB. CO.
Helena, Mont.

Walter R. Sales. Chairman.

COMMITTEE SECRETARY

11

LC.
HB-13
1/10/85

STATE COORDINATOR OF INDIAN AFFAIRS

TED SCHWINDEN, GOVERNOR

1218 EAST SIXTH AVENUE

STATE OF MONTANA

(406) 444-3702
DONALD L. CLAYBORN, COORDINATOR

HELENA, MONTANA 59620

JANUARY 10, 1985

TESTIMONY

HOUSE BILL NO. 13

MR. CHAIRMAN AND MEMBERS OF THE STATE ADMINISTRATION. I AM LOUIE CLAYBORN, COORDINATR OF INDIAN AFFAIRS FOR THE STATE OF MONTANA. I AM IN SUPPORT OF HOUSE BILL NO. 13, A BILL REVISING THE REQUIREMENTS FILING OF A STATE/TRIBAL COOPERATIVE AGREEMENT.

THIS BILL MAKES TWO IMPORTANT AMENDMENTS TO THE COOPERATIVE AGREEMENT CODE. THE FIRST AMENDMENT IS TO REQUIRE THAT THE AGREEMENT BE FILED WITH THE AREA OFFICE OF THE BUREAU OF INDIAN AFFAIRS. AS IS POINTED OUT IN THE BILL, THE BUREAU OF INDIAN AFFAIRS HAS A TRUST RESPONSIBILITY AND THEREFORE WILL HAVE SOME FISCAL CONTROL OF SUBJECT MATTERS UNDER TRIBAL ADMINISTRATION. THAT AGENCY WILL HAVE AN IMPACT UPON THE ADMINISTRATION OF THE SERVICE DELIVERY OF PROCESS OF ANY COOPERATIVE AGREEMENT AND IS, AS A CONSEQUENCE, A NECESSARY OBSERVER OF THE PROCESS.

THE SECOND SECTION IS THE REMOVAL OF THE FILING OF THESE AGREEMENTS WITH THE COUNTY CLERK AND RECORDER FOR LEWIS AND CLARK COUNTY. ON ITS FACE, THAT PROCEDURE IS CUMBERSOME.

FOR THESE REASONS I SUPPORT THE LEGISLATION.

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VISITOR'S REGISTER

HOUSE _____ COMMITTEE

BILL 13, 14, 37, 70 DATE 1/10/85

SPONSOR _____

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP POS
Dave Hunteman	Miles	MEA		X
Bob Burt	Helena	MA Counties		
Dianne Donnelly		Mont Assn of Counties		
Ted Dusak		MHCC	X	
Daniel Decker	Pablo, Mont	Confederated Salish and Kootenai Tribe	SB 14 SB 13	
Dan Claybourn	Indian Affairs		SB 13 SB 14	
Dennis Hemmer	Helena	State Lands		70
Gregg Hilton	Dillon	SCH	70	
Gari Lowe	Dillon	Greg Hilton	70	
Edward Azure	Ft. Belknap Mt. Indian Community	Ft. Belknap Tribes Harlem Mt	SB 13 SB 14	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

FORM CS-33

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

February 13, 1985

The twenty-eighth meeting of the Senate Judiciary Committee was called to order at 10:08 a.m. on February 13, 1985, by Chairman Joe Mazurek in Room 325 of the Capitol Building.

ROLL CALL: All committee members were present.

Chairman Mazurek announced that due to the great deal of input and interest in SB 28 and SB 69, the bills would be reheard before the committee. He asked that those testifying limit their testimony to comments concerning the amendments presented and new issues raised.

The following exhibits were distributed to the committee and entered into the record of the hearing: AG's proposed amendments to grey bill (Exhibit A); proposed attorney general's revisions to grey bill version of SB 28 and explanation (Exhibit B); Reid Chambers' proposed amendment to grey bill (Exhibit C); and attorney general's redrafted version of Reid Chambers' proposed amendments to grey bill (Exhibit D).

FURTHER CONSIDERATION OF SB 28 AND SB 69: Senator Dorothy Eck, sponsor of SB 28, testified that of all of the recommendations that have been made, the one she would prefer would be to go back to her original bill, extend the date, and not make any other changes. She believes the Chambers' amendment (Exhibit C) offers the best solution of addressing some of the problems the committee has raised. She hopes the amendments will allow the process to go on in an orderly way.

Senator Jack Galt, sponsor of SB 69, testified this bill was introduced at the request of the Reserved Water Rights Compact Commission. The bill makes the commission report to the water court judge to keep him informed of whatever compacts it is negotiating and to keep him informed. It also extends the commission's authority to July 1, 1987. Finally, the bill deals with termination of negotiations. Senator Galt hoped the committee would grant the extension or he believed the state of Montana would be getting into some extensive litigation.

PROPONENTS: Caleb Shields, Member, Tribal Executive Board, Assiniboine and Sioux Tribes of the Fort Peck Reservation, presented written testimony in support of the two bills (Exhibit 1). Richard Whitesell, Area Director, Billings Area, Bureau of Indian Affairs, presented written testimony in support of the bills (Exhibit 2). Daryl Wright, Water

Senator Mazurek stated the existing law is unclear as to what the water court could do with a compact before it. The concern he has heard expressed is if we do not change this somehow, we will have a worse situation than if we make some amendments. Mr. Kimble stated he would agree that this is the best you can do, because you do have a defect.

Senator Towe stated Mr. Whitesell's statement makes it very clear his department's view is that the compact should not be overturned once entered into in its course through the courts. That in effect is some indication or expression that there shouldn't be any allowance of objection. Mr. Whitesell stated he cannot speak to the legal views we have been speaking to. He would have his attorney review it and submit testimony. (The testimony was later received and is attached as Exhibit 8.)

Further consideration of SB 28 and SB 69 was closed.

CONSIDERATION OF HB 13: Representative Roland Kennerly, sponsor of HB 13, stated he carried HB 13 at the request of the Select Committee of Indian Affairs. He testified it is a housekeeping bill cleaning up some language in the state-tribal cooperative agreements law. The main thing of the bill was under the past law, these agreements had to be approved by the Attorney General and the Governor. The Governor's office reviewed the bill and concurred that they felt approval of the Attorney General would be sufficient.

PROPONENTS: Louie Clayborn, Coordinator of Indian Affairs for the State of Montana, presented written testimony in support of the bill (Exhibit 9). Dan Decker, on behalf of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, stated he would generally like to express their support for HB 13.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: None.

CLOSING STATEMENT: None.

Hearing on HB 13 was closed.

ACTION ON HB 13: Senator Towe moved that HB 13 be recommended BE CONCURRED IN. The motion carried unanimously.

There being no further business to come before the committee, the meeting was adjourned at 11:40 a.m.

Committee Chairman

ROLL CALL

SENATE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 02/13/85

NAME	PRESENT	ABSENT	EXCUSED
Senator Chet Blaylock	X		
Senator Bob Brown	X		
Senator Bruce D. Crippen	X		
Senator Jack Galt	X		
Senator R. J. "Dick" Pinsoneault	X		
Senator James Shaw	X		
Senator Thomas E. Towe	X		
Senator William P. Yellowtail, Jr.	X		
Vice Chairman Senator M. K. "Kermit" Daniels	X		
Chairman Senator Joe Mazurek	X		

STATE COORDINATOR OF INDIAN AFFAIRS

TED SCHWINDEN, GOVERNOR

1218 EAST SIXTH AVENUE

STATE OF MONTANA

(406) 444-3702
DONALD L. CLAYBORN, COORDINATOR

HELENA, MONTANA 59620

JANUARY 10, 1985

TESTIMONY

HOUSE BILL NO. 13

MR. CHAIRMAN AND MEMBERS OF THE STATE ADMINISTRATION. I AM LOUIE CLAYBORN, COORDINATR OF INDIAN AFFAIRS FOR THE STATE OF MONTANA. I AM IN SUPPORT OF HOUSE BILL NO. 13, A BILL REVISING THE REQUIREMENTS FILING OF A STATE/TRIBAL COOPERATIVE AGREEMENT.

THIS BILL MAKES TWO IMPORTANT AMENDMENTS TO THE COOPERATIVE AGREEMENT CODE. THE FIRST AMENDMENT IS TO REQUIRE THAT THE AGREEMENT BE FILED WITH THE AREA OFFICE OF THE BUREAU OF INDIAN AFFAIRS. AS IS POINTED OUT IN THE BILL, THE BUREAU OF INDIAN AFFAIRS HAS A TRUST RESPONSIBILITY AND THEREFORE WILL HAVE SOME FISCAL CONTROL OF SUBJECT MATTERS UNDER TRIBAL ADMINISTRATION. THAT AGENCY WILL HAVE AN IMPACT UPON THE ADMINISTRATION OF THE SERVICE DELIVERY OF PROCESS OF ANY COOPERATIVE AGREEMENT AND IS, AS A CONSEQUENCE, A NECESSARY OBSERVER OF THE PROCESS.

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FOR THESE REASONS I SUPPORT THE LEGISLATION.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 9
DATE 021385
BILL NO. HB 13

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STANDING COMMITTEE REPORT

February 13 1985

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 13

third reading copy (blue color)

(Senator Eck)

REVISING FILING REQUIREMENTS FOR STATE-TRIBAL COOPERATIVE AGREEMENTS.

Respectfully report as follows: That HOUSE BILL No. 13

BE CONCURRED IN

XXXXXX

XXXXXXXXXX

Senator Joe Mazurek Chairman.

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose	
J. Brunner	W.I.F.E.	SB 69	X		
Bn Clayborn	Indian AFFAIRS	HB 13			
Merrill Decker	Confederated Salish & Kootenai Tribes	HB 13 HB 28	X X		
Joe Rosette	Vice Chairman Chippewa Cree Tribe	HB 28	X		
Richard Sangray	Council Member Chippewa-Cree Tribe	HB 28 SB 69	X		
James Musgrove	Fort Belknap Indian Community	SB 28 SB 69			
Wm F. Snell	Ft. Belknap CC	SB 28 SB 69			
John Shontz	Water Marketing Comm.	SB 69	X		
Richard White-sell	Dept Interior	SB 28 69	X		
CALEB SHIELDS	FT. PECK TRIBES	SB 28 SB 69	X		
JOE McKAY	BLACKFEET TRIBES	SB 28 SB 69	X		
PHILIP E. ROY	BLACKFEET TRIBE	SB 28 SB 69	X		
Leon Beartusk	Northern Cheyenne	SB 28 SB 69	X		
Vernie Parker	Northern Cheyenne	SB 28 SB 69	X		
BILL ASHOR	APA	SB 69	X		
CALVIN L. WILSON	N. Cheyenne Tribe - Lame Deer MT. 59043	28-69	X	Support, with the Chamber amend. only	Please send Senate version when passed.
Marcia Rundle	Governor's Office Reserved Water Right Compact	28-69	X		
Mena Jamison	Governor's Office	28-69	✓		
DARYL WRIGHT	Chip/Cree Tribe	9-8-69	✓		

(Please leave prepared statement with Secretary)

HOUSE BILL NO. 13

INTRODUCED BY KENNERLY

BY REQUEST OF THE SELECT COMMITTEE ON INDIAN AFFAIRS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE REQUIREMENTS CONCERNING FILING OF A STATE-TRIBAL COOPERATIVE AGREEMENT; REMOVING THE REQUIREMENT FOR GUBERNATORIAL APPROVAL OF AN AGREEMENT INVOLVING A STATE AGENCY; AMENDING SECTION 18-11-107, MCA; AND REPEALING SECTION 18-11-106, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 18-11-107, MCA, is amended to read:

"18-11-107. Filing of agreement. (1) Within 10 days after approval by the attorney general and ~~prior--to commencement-of-its-performance~~ signature of the parties, an agreement made pursuant to this chapter must be filed with:

~~(1)~~(a) the ~~secretary~~ area office of the bureau of Indian affairs of the United States department of the interior having trust responsibility for the tribe that is party to the agreement or its successor agency;

~~(2)~~(b) each county clerk and recorder of each county where the principal office of one of the parties to the agreement is located, except as provided in (2) of this section;

~~(3)~~(c) the secretary of state; and

~~(4)~~(d) the affected tribal government.

(2) If a party to the agreement is a state agency, the agreement need not be filed with the county clerk and recorder for Lewis and Clark County."

NEW SECTION. Section 2. Repealer. Section 18-11-106, MCA, is repealed.

-End-